

STATE OF WISCONSIN  
**Senate Journal**  
Ninety–Ninth Regular Session

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MONDAY, May 4, 2009

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The Chief Clerk makes the following entries under the above date.

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**CHIEF CLERK'S ENTRIES**

**AMENDMENTS OFFERED**

Senate amendment 1 to **Senate Bill 123** offered by Senator Jauch.

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**DEPOSITED WITH THE SECRETARY OF STATE**

The Chief Clerk records:

**Senate Joint Resolution 31**  
**Senate Joint Resolution 33**

Deposited in the office of the Secretary of State on 5–4–2009.

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The Chief Clerk makes the following entries dated **Friday, May 1, 2009**.

**SENATE ENROLLED PROPOSALS**

The Chief Clerk records:

**Senate Bill 20**  
**Senate Bill 29**  
**Senate Bill 46**  
**Senate Bill 94**  
**Senate Bill 141**  
**Senate Bill 161**  
**Senate Joint Resolution 24**  
**Senate Joint Resolution 25**  
**Senate Joint Resolution 28**  
**Senate Joint Resolution 33**

Report correctly enrolled on 5–1–2009.

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**REPORT OF COMMITTEES**

The committee on **Transportation, Tourism, Forestry, and Natural Resources** reports and recommends:

**Senate Bill 112**

Relating to: the possession of green skins of fur-bearing animals, the tagging of traps, and the sale, purchase, bartering, and trade of wild animals and their carcasses.

Passage.

Ayes, 7 – Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.  
Noes, 0 – None.

**Senate Bill 133**

Relating to: operating a motor vehicle while suspended, revoked, or disqualified.

Passage.

**Senate Bill 134**

Relating to: motor vehicle operating privileges, seizures by courts or law enforcement officers of operator's licenses, and reinstatement of canceled identification cards.

Passage.

Ayes, 6 – Senators Holperin, Sullivan, Plale, Hansen, Kedzie and Grothman.

Noes, 1 – Senator Leibham.

**Senate Bill 137**

Relating to: the definitions of motor bicycle and moped.

Passage.

Ayes, 7 – Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Noes, 0 – None.

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*JIM HOLPERIN*  
Chairperson

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**PETITIONS AND COMMUNICATIONS**

**LEGISLATIVE REFERENCE BUREAU CORRECTIONS**

**CORRECTIONS IN:**

**SENATE AMENDMENT 2,  
TO 2009 SENATE BILL 94**

Prepared by the Legislative Reference Bureau  
(April 30, 2009)

In enrolling, the following correction was made:

1. Page 1, line 3: delete “cooling.” and substitute “cooling”.

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**State of Wisconsin  
Office of the Senate Majority Leader**

April 30, 2009

The Honorable, The Senate:

Pursuant to Senate Rule 20, and in consultation with the Senate Minority Leader, I am appointing Senator Glenn Grothman to the Joint Review Committee on Criminal Penalties.

Thank you and please feel free to contact me with any questions.

Sincerely,  
*RUSS DECKER*  
Senate Majority Leader

## INTRODUCTION, FIRST READING, AND REFERENCE OF PROPOSALS

Read first time and referred:

### **Senate Bill 181**

Relating to: prohibiting smoking in indoor areas, in sports arenas, in public conveyances, and at certain outdoor locations and providing a penalty.

By Senators Risser, Ellis, Robson, Jauch, Miller, Darling and Coggs; cosponsored by Representatives Richards, A. Ott, Seidel, Zigmunt, Milroy, Benedict, Parisi, Berceau, Black, Roys, Soletski, Gottlieb, Clark, Bernard Schaber, Mursau, Toles, Hilgenberg, Cullen, Sinicki, Townsend, Pope–Roberts, Smith, Pasch, Hintz, Spanbauer and Montgomery.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

### **Senate Bill 182**

Relating to: statute of limitations for intentional torts.

By Senators Sullivan, Taylor, Wirch, Grothman, Plale and Risser; cosponsored by Representatives Roys, Berceau, Townsend, Smith, A. Williams, Murtha, Cullen, J. Ott, Richards, Colon, Spanbauer and Kessler.

To committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.**

### **Senate Bill 183**

Relating to: the provision of support services information to employees who are affected by a business closing or mass layoff and providing a penalty.

By Senators Kreitlow, Sullivan, Lehman, Miller and Taylor; cosponsored by Representatives Dexter, Bernard Schaber, Berceau, Davis, Hebl, Hintz, Jorgensen, A. Ott, Seidel, Sinicki, Toles, Vruwink, A. Williams and Zepnick.

To committee on **Labor, Elections and Urban Affairs.**

### **Senate Bill 184**

Relating to: licenses and limited X–ray machine operator permits to engage in the practice of radiography, creating a radiography examining board, granting rule–making authority, and requiring the exercise of rule–making authority.

By Senators Lehman, Taylor, Olsen, Risser, Robson, Darling and Coggs; cosponsored by Representatives Berceau, Benedict, Pasch, Van Roy, A. Ott, Barca, Turner, Hintz, Zepnick, Jorgensen, Staskunas, Mason, Lothian, Vruwink and Parisi.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

### **Senate Bill 185**

Relating to: regulation of wind energy systems and granting rule–making authority.

By Senators Plale, Hopper, Hansen, Holperin, Kreitlow, Taylor, Sullivan, Miller, Risser, Wirch and Coggs; cosponsored by Representatives Soletski, Montgomery, Parisi, Black, Mason, Spanbauer, Hilgenberg, Roys, Townsend, Richards, Suder, Honadel, Pocan, Clark, Wood, Smith, Pasch, Vruwink, Molepske Jr. and Stone.

To committee on **Commerce, Utilities, Energy, and Rail.**

### **Senate Bill 186**

Relating to: the disposal of used automotive engine oil filters and oil absorbent materials and providing a penalty.

By Senators Harsdorf and Taylor; cosponsored by Representatives Hubler, Black, Jorgensen, Hraychuck, A. Ott, Kaufert, Townsend, Lothian, Berceau, Spanbauer and Ripp.

To committee on **Environment.**

### **Senate Bill 187**

Relating to: an income and franchise tax credit for wages paid to an employee who is deployed or called to active duty with the national guard or a reserve unit of the U.S. armed forces.

By Senators Harsdorf and Taylor; cosponsored by Representatives Townsend, LeMahieu, Nass, Spanbauer, A. Ott, Vos, Gunderson, Lothian, Brooks and Knodl.

To committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.**

### **Senate Bill 188**

Relating to: the use of golf carts in Governor Tommy G. Thompson Centennial State Park and Peshtigo River State Forest and granting rule–making authority.

By Senators Holperin and Hansen; cosponsored by Representatives Mursau, Montgomery, Nygren and Nelson.

To committee on **Transportation, Tourism, Forestry, and Natural Resources.**

### **Senate Bill 189**

Relating to: eligibility for unemployment insurance benefits and payment of extended benefits; excluding recovery and reinvestment act moneys from the calculation of expenditure restraint payments; eligibility for participation in the programs of a community action agency; financial assistance under the Clean Water Fund Program and the Safe Drinking Water Loan Program; the confidentiality of pupil records provided to the Department of Public Instruction; financial assistance for criminal justice programs; authorizing political subdivisions to make residential energy efficiency improvement loans and impose special charges for the loans; definition of low–income household under energy and weatherization assistance programs; eligibility and notice changes for state continuation of coverage for health insurance; changes to enterprise zone jobs credits; providing an exemption from emergency rule procedures; granting rule–making authority; and making an appropriation.

By Senators Miller, Decker and Hansen; cosponsored by Representatives Pocan, Sheridan and Nelson.

To joint committee on **Finance.**

### **Senate Bill 190**

Relating to: renewals and extensions of business contracts.

By Senators Wirch, Lehman, Taylor, Holperin, Lassa and Erpenbach; cosponsored by Representatives Turner, Hubler, Townsend, Vos, Kaufert, Spanbauer, Bies, Kessler, Hilgenberg and Zepnick.

To committee on **Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.**

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## PETITIONS AND COMMUNICATIONS

### State of Wisconsin Department of Administration

April 30, 2009

The Honorable, The Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes) and confirms that the Department of Administration has found it

necessary to exercise the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of March 2009.

On March 23, 2009, the General Fund cash balance closed at a negative \$337.1 million. This negative balance continued through March 31, 2009, when the fund’s cash balance closed at a negative \$495.3 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On March 1, 2009, the Injured Patients and Families Compensation Fund cash balance closed at a negative \$73.2 million. This negative balance continued through March 31, 2009, when the fund’s cash balance closed at a negative \$76.8 million. The Injured Patients and Families Compensation Fund cash balance reached its intra month low of a negative \$77.0 million on March 27, 2009. The negative balance was due to the transfer of \$200 million to the Medical Assistance Trust Fund per 2007 Wisconsin Act 20, and the pending liquidation of fund securities necessary to offset this shortfall.

On March 1, 2009, the Conservation Fund cash balance closed at a negative \$18.8 million. This negative balance continued through March 16, 2009, when the fund’s cash balance closed at a positive \$14.5 million. The Conservation Fund cash balance reached its intra-month low of a negative \$19.5 million on March 5, 2009. The negative balance was due to the difference in the timing of revenues and expenditures.

On March 19, 2009, the Utility Public Benefits Fund cash balance closed at a negative \$150 thousand. This negative balance continued through March 31, 2009, when the fund’s cash balance closed at a negative \$2.1 million (its intra-month low). The negative balance was due to the difference in the timing of revenues and expenditures.

On March 23, 2009, the Lottery Fund cash balance closed at a negative \$2.8 million. This negative balance continued through March 31, 2009, when the fund’s cash balance closed at a negative \$1.6 million. The Lottery Fund cash balance reached its intra-month low of a negative \$4.0 million on March 26, 2009. The negative balance was due to the difference in the timing of revenues and expenditures.

The General Fund, Injured Patients and Families Compensation Fund, Conservation Fund, Utility Public Benefits Fund, and Lottery Fund shortfalls were not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund’s share. Therefore, the monthly calculation by the State Controller’s Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,  
**MICHAEL L. MORGAN**  
 Secretary

Referred to joint committee on **Finance**.

**State of Wisconsin  
 Office of Energy Independence**

May 1, 2009

The Honorable, The Legislature:

As required by s. 16.045(5) Wis. Stats., I am submitting the annual Wisconsin Biofuels and Alternative Fuel Use Report for distribution to the appropriate standing committees. I am pleased to provide the following highlights for 2007.

**State of Wisconsin government highlights:**

- In calendar year 2008, 95 percent of the contracted gasoline deliveries by the state of Wisconsin were a blend of 10 percent ethanol.
- Per Governor Doyle’s Executive Order #141, the Office of Energy Independence began outreach on E85 fuel use in the state fleet, biodiesel outreach will follow this summer.
- State government and UW campuses used 56,378 gallons of E85, a 91 percent improvement from last year. This provides the benchmark for reduction of state-fleet petroleum-based gasoline consumption.
- 29.4 percent, or 1,922 vehicles, of the state fleet are E85 flexible-fuel vehicles.

**Statewide statistics:**

- Ethanol use in the State of Wisconsin increased by 24 percent in 2008, from 161 million gallons in 2007 to 214 million gallons in 2008.
- Ethanol production in the state increased by 87 percent from 238 million gallons in 2007 to 447 million gallons in 2008.
- E85 refueling facilities serving the public increased from 89 to 127 statewide.
- Statewide consumption of E85 increased by 6.25 percent, from 4.8 million in 2007 to 5.1 million gallons in 2008.
- The Office of Energy Independence looks forward to advancing the use of alternative fuels in the state. The Office of Energy Independence plans to address these goals in the upcoming year:
  - Continued effort to meet Executive Order #141: reduce the use of petroleum-based gasoline in state-owned vehicles by 20 percent by 2010 and by 50 percent by 2015, and reduce the use of petroleum-based diesel fuel by those vehicles 10 percent by 2010 and 25 percent by 2015.
  - Increase the number of E85 and biodiesel pumps in the state – a critical priority.
  - Continued education for state employees that outlines the importance and benefits of using E85 and biodiesel, therefore, increasing the consumption of these fuels to meet our state’s goals.
  - Working with the Transportation Directors and Bureau of Procurement to purchase more E85 capable flexible fuel vehicles.

Sincerely,  
**DAVID J. JENKINS**  
 Director of Commercialization and Market Development

Referred to committee on **Rural Issues, Biofuels, and Information Technology**.

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**REFERRALS AND RECEIPT OF COMMITTEE  
REPORTS CONCERNING PROPOSED  
ADMINISTRATIVE RULES**

**Senate Clearinghouse Rule 08–103**

Relating to modification of existing rules for control of nitrogen oxide (NOx) emitted by stationary sources in the ozone nonattainment area in southeastern Wisconsin and to issues for SIP approvability and miscellaneous implementation issues.

Submitted by Department of Natural Resources.

Report received from Agency, April 27, 2009.

Referred to committee on **Commerce, Utilities, Energy, and Rail**, May 4, 2009.

**Senate Clearinghouse Rule 09–005**

Relating to temporary certificates for respiratory care practitioners who are certified in other jurisdictions.

Submitted by Department of Regulation and Licensing.

Report received from Agency, April 30, 2009.

Referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**, May 4, 2009.

**Senate Clearinghouse Rule 09–013**

Relating to the definition of the term "political purpose."

Submitted by Government Accountability Board.

Report received from Agency, April 30, 2009.

Referred to committee on **Labor, Elections and Urban Affairs**, May 4, 2009.

**Senate Clearinghouse Rule 09–022**

Relating to licensing, prelicensing and continuing education for insurance agents and affecting small business.

Submitted by Insurance Commissioner.

Report received from Agency, May 1, 2009.

Referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**, May 4, 2009.

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**MESSAGES FROM THE ASSEMBLY CONSIDERED**

**Assembly Bill 68**

Relating to: the distribution of the first dollar property tax credit.

By Representatives Dexter, Sherman, Barca, Berceau and Smith; cosponsored by Senators Vinehout, Jauch and Kreitlow.

Read first time and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

**Assembly Bill 95**

Relating to: preparation time as a mandatory subject of collective bargaining.

By Representatives Sinicki, Mason, Toles, Pope–Roberts, Soletski, Hixson, Pocan, Bernard Schaber, Zigmunt, Berceau, Smith, Vruwink, Milroy, Benedict, Young, Turner and Zepnick; cosponsored by Senators Erpenbach, Lehman, Taylor, Wirsch, Hansen, Vinehout, Coggs, Risser and Miller.

Read first time and referred to committee on **Labor, Elections and Urban Affairs**.

**Assembly Bill 100**

Relating to: preexisting condition exclusions, modifications at renewal, and establishing a standard

application for individual health benefit plans and granting rule-making authority.

By Representatives Richards, Roys, Hraychuck, Seidel, Clark, Berceau and A. Williams; cosponsored by Senators Vinehout, Erpenbach, Robson, Lehman, Carpenter, Wirsch, Taylor, Coggs, Hansen, Miller and Kreitlow.

Read first time and referred to committee on **Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**.

**Assembly Bill 122**

Relating to: appellate time limits and procedure.

By Representatives Hebl, Staskunas, Turner and Townsend; cosponsored by Senators Taylor and Risser, by request of Wisconsin Judicial Council.

Read first time and referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

**Assembly Bill 123**

Relating to: appellate procedure regarding commitments of persons found not guilty by reason of mental disease or defect and commitments of sexually violent persons.

By Representatives Hebl, Staskunas, Turner and Townsend; cosponsored by Senators Taylor and Risser, by request of Wisconsin Judicial Council.

Read first time and referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

**Assembly Bill 124**

Relating to: appellate procedure.

By Representatives Hebl, Staskunas, Turner and Townsend; cosponsored by Senators Taylor and Risser, by request of Wisconsin Judicial Council.

Read first time and referred to committee on **Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing**.

**Assembly Bill 142**

Relating to: requiring a license to engage in the practice of landscape architecture.

By Representatives Shilling, Lothian, Clark, Parisi, Davis, Vruwink, Berceau, Benedict, Montgomery, A. Ott, Townsend, Turner, Molepske Jr., Mursau and Spanbauer; cosponsored by Senators Risser, Taylor and Lehman.

Read first time and referred to committee on **Labor, Elections and Urban Affairs**.

**Assembly Bill 172**

Relating to: requiring instruction in public schools on the history of organized labor in America and the collective bargaining process.

By Representatives Jorgensen, Zepnick, Sinicki, Danou, Toles, Berceau, Grigsby, Smith, Hilgenberg, Spanbauer, Black, Parisi, Barca, Seidel, Sherman, Pocan, Nelson and Sheridan; cosponsored by Senators Hansen, Wirsch, Lehman, Decker, Plale, Taylor, Erpenbach and Kreitlow.

Read first time and referred to committee on **Education**.

**Assembly Joint Resolution 9**

Relating to: proclaiming May 15, 16, and 17, 2009, Syttende Mai Weekend.

By Representatives Hebl, Nerison, Benedict, Berceau, Bies, Black, Brooks, Gunderson, Hixson, Hubler, Murtha, Parisi, Petrowski, Pocan, Pope–Roberts, Sinicki, Spanbauer, Townsend, Turner, A. Williams and Toles; cosponsored by

Senators Miller, Hansen, Lassa, Lazich, Lehman, Olsen, Plale, Risser, Schultz, Taylor, Vinehout and Coggs.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 23**

Relating to: declaring May as Amyotrophic Lateral Sclerosis Awareness Month.

By Representatives Strachota, Benedict, Spanbauer, M. Williams, Berceau, A. Ott, Dexter, Bies, Brooks, Pasch, Kaufert, Lothian and Hintz; cosponsored by Senators Erpenbach, Darling, Wirch, Cowles, Taylor, Kedzie, Grothman, Olsen and Lehman.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 41**

Relating to: declaring June as Scoliosis Awareness Month.

By Representatives Molepske Jr., Hebl, Pasch, Pope–Roberts, Hintz, Benedict, Seidel, Berceau, Turner,

Strachota, Townsend, A. Williams, A. Ott, Steinbrink, Jorgensen and Gunderson; cosponsored by Senators Lassa, Lehman, Olsen, Plale, Erpenbach and Hansen.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 48**

Relating to: Proclaiming May 2, 2009, as Pediatric Stroke Awareness Day.

By Representatives Knodl, Kerkman, Berceau, Pope–Roberts, Townsend and Spanbauer; cosponsored by Senators Darling, Taylor, Miller and Lehman.

Read and referred to committee on **Senate Organization**.

**Assembly Joint Resolution 50**

Relating to: the public service of Allen J. Buechel.

By Representatives Spanbauer and Townsend; cosponsored by Senator Hopper.

Read and referred to committee on **Senate Organization**.